

CHILD PROTECTION ACCOUNTABILITY COMMISSION
JULY 14, 2004
CARVEL STATE OFFICE BUILDING, 820 N. FRENCH STREET
8TH FLOOR CONFERENCE ROOM

MINUTES

Those in attendance:

Members of the Commission:

The Honorable M. Jane Brady
Tania M. Culley, Esq.,
Peter Feliceangeli, Esq.
Carlyse A. Giddins
John Humphrey
The Honorable Chandlee Johnson Kuhn
The Honorable Jennifer Mayo
Janice Mink
Mary Ball Morton (proxy for Sec. DeSantis)
Julia Pearce
Merrijane Pierce

Jennifer Barber Ranji, Esq., Chair
Sergeant Renee Taschner
Randy Wimberly (proxy for Susan Cycyk)

Statutory Role:

Attorney General's Office 16 Del. C. § 912 (a)(3)
Executive Director
Attorney General's Office 16 Del. C. § 912 (a)(3)
Dir. of Div. of Family Servs. 16 Del. C. § 912 (a)(2)
Child Protection Comm. 16 Del. C. § 912 (a)(10)
Family Court 16 Del. C. § 912(a)(4)
Family Court 16 Del. C. § 912(a)(4)
Child Protection Comm. 16 Del. C. § 912 (a)(10)
Children's Department 16 Del. C. § 912(a)(1)
Child Placement Review Board 16 Del. C. § 912 (a)(7)
Interagency Comm. On Adoption 16 Del. C. §
912(a)(10)
Child Protection Community 16 Del. C. § 912 (a)(10)
NCC Dept. of Public Safety 16 Del. C. § 912(a)(10)
Dir. of Child Mental Health 16 Del. C. § 912(a)(9)

Guests:

James Apostolico, Esq.	Mary Catherine Landis, Esq.
Joe Bakker	Laura Miles
Stacey Callaway	Sharon Opila
Mike Chalmers	Anne Pedrick
Candace Charkow	Mattie Picard
Karen DeRasmo	Joseph Smack
Ann Marie Johnson	Elisabeth Treisner
Marianne Kenville-Moore	

I. Welcome

The Chair, Jennifer Barber Ranji, called the meeting to order and presided. For the benefit of guests, everyone introduced themselves.

II. Minutes

The minutes from the May 19, 2004 meeting were unanimously approved with two minor corrections. First, in the section regarding Minutes, the number “14” was deleted. Second, under attendance, the word “Cari” was changed to “Sec.”

III. Legislative Update

The Honorable Chandlee Johnson Kuhn and Tania Culley provided a report regarding legislation propounded by CPAC and the Office of the Child Advocate.

A. SB 279 – Child Near Death

This CPAC bill passed both the Senate and the House thanks to the efforts of Trish Hearn, Janice Mink and Tania Culley. Senator DiPinto and Representative Cook championed the bill, which creates a procedure by which the Child Death Review Commission (“CDRC”) will perform expedited reviews of all children who nearly die from abuse and/or neglect. Through the legislative process, funds were appropriated to supply the CDRC with an Executive Director and two staff. It is anticipated that the Governor will sign the bill on July 19th. The bill also renames the CDRC. The new name is the Child Death, Near Death and Stillbirth Commission.

B. SB 265 – DFS caseloads

This CPAC bill passed both chambers and was signed into law one week prior to this meeting. Senator McDowell and Representative Maier sponsored this bill. The legislation changes the statistical reviews of caseloads from full time equivalents (FTEs) to fully functioning caseworkers. The legislation also codifies the investigation fully functioning caseload standard at 14 and the treatment caseload of 18.

C. HB 401 – Civil Child Witness Act

This bill, propounded by the Office of the Child Advocate in cooperation with a number of other agencies including Family Court, creates protections for child witnesses in civil proceedings similar to those that currently exist for children in criminal proceedings. Senator Blevins and Representative Maier sponsored the bill. This bill passed both chambers and is expected to be signed by the Governor.

D. HB 78 – Criminal History in Custody Matters

This bill, which passed both chambers, amends Delaware’s Best Interests statute (13 Del. C. §722) to include consideration of criminal histories of any party and/or resident of the household.

E. HB 235

This bill from the Child Placement Review Board authorizes the Board to use Ivyane Davis Scholarship monies as the state match to the federal Education and Training Vouchers. This bill passed both chambers.

A number of bills were reviewed by CPAC and did not pass including HB 277 the conglomeration bill that incorporates HB 23 (Stand-by Adoption), HB 71 (Custody Bond) and HB 78 (Criminal Backgrounds-Custody).

In other legislative matters, the Family Court did not obtain the much sought funding for two additional judges. In an effort to assist the Judges in the "At Risk" unit, the Chief Judge will begin rotating judges from the lower counties through New Castle County one day per week starting in September. The Attorney General's Office likewise did not receive funding for several new prosecutor positions and therefore continue to struggle with caseloads.

IV. Agency Reports

A. Division of Family Services

Carlyse Giddins provided CPAC with an update of DFS activities. Ms. Giddins reported that DFS continues to receive recognition regarding its retention efforts. She offered her thanks to the many public and private partners that have helped DFS in this regard. Ms. Giddins reported that DFS' foster home coordinator left and was replaced by Jonyelle Smith from the Office of Volunteerism. She also reported that DFS submitted its five year Child and Family Service Plan at the end of June and anticipates approval by the federal government in 5 to 6 weeks. Upon receipt, she will share it with CPAC and other community partners.

Ms. Giddins reported on the progress of the implementation of the Foster Care Blueprint. She noted that the implementation of "system of care" has been moving forward and The Department plans a training on the subject in the near future. Ms. Giddins shared with CPAC a document entitled, "Our Commitment to Children in Foster Care." This document enunciates the Department's commitment to children in foster care, and explains the Children's Department's responsibility to ensure that the needs of those children are met. Tania Culley expressed her concerns that the document not be reviewed as "rights" since it is not legally enforceable. She also expressed her interest in developing a statutory bill of rights for foster children.

Ms. Giddins presented the DFS quarterly statistics. The investigation caseload at University Plaza continues to be a challenge. In April, the fully functioning average for investigation in April of 2004 was 14.1 and May - 15.4. To remedy this, DFS hired three part-time casual/seasonal workers who were all former employees of DFS. In addition, new cases were diverted from University Plaza to Elwyn to allow University Plaza time to catch up. As of July 6, 2004, the caseload average fell to 12.0. University Plaza struggles to keep fully functioning investigators. Recently, there were two trainees who could not become fully functioning. Elwyn caseloads are very good. All positions are fully functioning with one trainee fully trained and ready to move into a permanent position as it opens. DFS continues to hire as vacancies occur. Worker turnover was 10.4 through May. Ms. Giddins emphasized that the trainee positions have been critical in the improvements seen. There was some discussion concerning movement of people in investigation and how that affects children and services. CPAC renewed its request that the Department provide the number of investigation workers actually leaving investigation by region, regardless of whether the workers stay with the Department or not. CPAC also requested movement broken out by investigation and treatment.

In the month of June there was an increase in the number of children coming into care, however, it has not reached a critical point in terms of foster homes. Ms. Giddins reported that the Children's Department received \$500,000 in the budget for foster care from the General Assembly. New Requests for Proposals are to be issued this fall to increase foster care options.

B. Child Mental Health

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Randy Wimberley gave information pertaining to an upcoming workshop presented by Child Mental Health. Jennifer Barber Ranji reported that she met with Director Susan Cycyk to discuss statistics for CPAC from CMH. They reviewed what data CMH already keeps and Ms. Cycyk said she would provide this to CPAC for the October meeting.

C. Family Court

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Chief Judge Kuhn will circulate CASA statistics to members.

D. Children's Advocacy Center

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John Humphrey reported that Sussex County continues to experience a high volume of cases. He is unsure as to the cause for this. Mr. Humphrey also noted the success of the multi-disciplinary teams, which he feels is due in a large measure to the presence of the prosecutors. He did note that it is very difficult for them to attend and that the Attorney General's Office needs additional resources. He noted the ongoing challenge of educating other agencies to make sure the CAC continues to receive the cases it is supposed to be receiving. Mr. Humphrey reported that the Wilmington office of the CAC would be applying for re-accreditation and that Dover would be submitting an application for accreditation after it moves into its new facilities. Dover now has a pediatric nurse practitioner on board to evaluate child abuse cases. Mr. Humphrey is also looking to expand the CAC's capacity by hopefully adding an additional forensic interviewer in an effort to meet the challenge to offer late afternoon and early evening appointments.

Mr. Humphrey gave kudos to Dr. Allan DeJong who was found to be one of the top doctors in the country. Out of 35,000 doctors, he was noted to be in the top four percent in the country.

Mr. Humphrey reported progress in the mental health assessment aspect of the CAC's work. The Attorney General convened a meeting of mental health providers in Delaware to address and brainstorm the lack of resources in this area. If plans in the works are successful, the CAC would have a licensed clinical social worker at each site. This would eliminate the two to three month waiting period that currently exists. The waiting period results in an 80% no show rate.

E. Department of Justice

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Attorney General Jane Brady reported that The Department of Justice has received the grant for the Kids Court Project. Marianne Kenville will direct this project. The program will be piloted in Kent County.

Pete Feliceangeli reported on the statistics related to child welfare hearings handled by the Deputy Attorneys General that report to him. In the first quarter of this year compared with the fourth quarter of last year, there was a 32% increase in the total number of hearings statewide. New Castle County handled over half of all court cases. 40% of all of the hearings held were ASFA review hearings. The success of the Court Improvement Project piloted in Sussex County has greatly increased the court activity. CPAC discussed the impact of this increase on the timelines for permanency for children. Generally, the court is getting bogged down and judges and deputies are always in court reducing the amount of time to process paperwork. This leads to the issue of placing in children in pre-adoptive homes and then waiting for decisions. As a result of the seriousness of this concern, CPAC has formed a committee to study the issue.

ACTION: Upon a motion duly made and seconded, CPAC voted unanimously to form a Special Committee to study the Delaware child welfare system's compliance with ASFA and CFSR timelines.

F. Child Placement Review Board

Julia Pearce reported that the Child Placement Review Board's 25th Anniversary celebration was held yesterday and was a wonderful event. In addition the Board is sponsoring an attachment training to take place this coming Friday.

G. Office of the Child Advocate

Tania Culley reported on the statistics of the Office of the Child Advocate. As of June 30, 2004, OCA has 472 active cases with 359 children in DSCYF custody. OCA appointed attorneys to an average of 29 children per month in FY04. This represents a 65% increase over FY 2003. OCA believes this is due in large measure to the fact that Family Court in New Castle and Sussex counties is faxing every petition and ex parte order to OCA within 24 hours of filing. In addition, OCA experienced a 50% increase in referrals and a 34% increase in active cases. 375 of OCA cases are in New Castle County and OCA continues to struggle with downstate representation. OCA continues its mission to provide a high level of support to the *pro bono* attorneys who represent children. OCA's volunteer *pro bono* coordinator continues to collect hours from the attorneys and with two-thirds reporting, 12,000 hours and \$2.3 million dollars have been donated.

OCA conducted six nuts and bolts trainings during the spring and six brown bag seminars on advanced topics in child advocacy. OCA plans another mass mailing by the end of the summer offering six more nuts and bolts trainings and six more brown bag seminars this fall.

Ms. Culley reported a persistent concern regarding children not covered by either CASA or OCA. It would appear that just in Kent County alone, there are 30 pre-CIP children who are not represented. OCA maintains a waiting list of 25 children statewide. OCA is waiting for complete lists from DSCYF regarding all unrepresented children.

V. Foster Care Clusters

Karen DeRasmo of Prevent Child Abuse Delaware presented a report on Foster Care Clusters. This was one recommendation that came from the Governor's Foster Care Task Force. The goal was difficult to accomplish and the implementation was initially discouraging because foster parents were not particularly interested in participating. It became apparent that there were unrealistic expectations regarding meetings and attendance. The focus was on the wrong goal – having people attend meetings. Rather, the goal became supporting foster parents. This change in thinking toward support for foster parents became the focus with a goal to reduce isolation. There was somewhat of a gap because foster home coordinators were not aware of the reframed thinking. Once this shift was made, a cluster facilitators meeting was held, which turned out to be very productive. There has been a significant increase in participation and an increase in the networking that has been taking place. The children in the care of foster parents are having a more enriching experience. Respite is being provided within clusters as well as babysitting.

VI. Old Business from 4/7/04 Meeting

A. Root Cause Analyses

Previously, CPAC had asked that the Children's Department share its Lessons Learned derived from Root Cause Analyses (RCAs). Mary Ball Morton noted the Department's appreciation for CPAC's acknowledgement of its efforts. However, the RCA process is confidential and any erosion of that process would be concerning. CPAC is a public forum and the Department is concerned that sharing the Lessons Learned would erode the protections and openness of the RCA within the Department. The Department will share the Lessons Learned with the Child Death Review Commission because that Commission is confidential. DFS will continue to share improvements with CPAC, but not tied to any particular RCA. It is felt that going forward, the CDRC process will likely cover all situations, but CPAC raised concerns about RCA's in the past. It was noted that CPAC has been designated the Citizen Review Panel for the State and with that comes the need to see these documents. The Department agreed to review the documentation it provided to CPAC in 2001. Upon request from the Commission, Tania Culley agreed to distribute the prior documents to CPAC members. After review of those records, CPAC will revisit this issue at the October meeting.

B. CPAC Bylaws

CPAC revisited one remaining issue from the bylaws passed at the last meeting. This issue pertains to Section 4.2, which states, "The vote of a Commission member shall not be attributed to the particular agency he or she is representing on the Commission." There was a concern that a particular member's vote would then compromise the agency he or she is representing in the future. CPAC discussed the matter at length, but could not come to a consensus.

ACTION: Upon a motion duly made and seconded, CPAC unanimously voted to defer the issue pending further discussion amongst the member agencies.

VII. New Business

A. Mental Assessments for Foster Children

Janice Mink reported that the committee of CPAC that reviewed the issue of the mental health needs of foster children in the past needs to be restructured or recreated. Ms. Giddins pointed out that there are at least two reasons to look at this issue: stability of placement and separation and attachment. The Committee should consist of foster parents, foster home coordinators, DFS, CMH, the Department of Justice and others.

ACTION: Upon a motion duly made and seconded, CPAC voted unanimously to create a Special Committee on Mental Health Assessments and Services for Foster Children. This committee will have a narrow focus regarding timely mental health assessments and services for foster children.

B. Family Court Extended Jurisdiction for Foster Children

Several members of CPAC volunteered to participate on a Special Committee to examine the issue of extended jurisdiction for young people aging out of the foster care system.

ACTION: Upon a motion duly made and seconded, CPAC voted unanimously to create a Special Committee on Extended Family Court Jurisdiction.

C. Educational Needs of Foster Children

Tania Culley reported that the issue of educational needs for foster children has become a huge issue. Children are suffering as a result of a basic lack of understanding of their rights. Several CPAC members volunteered to participate on a Special Committee to study this issue.

ACTION: Upon a motion duly made and seconded, CPAC voted unanimously to create a Special Committee on the Educational Rights of Foster Children.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:05 p.m.